



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 28 NOVEMBER 2022 AT 3PM

COUNCIL CHAMBER - SECOND FLOOR, THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services 023 9283 4060

Email: Democratic@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- Following the government announcement 'Living with Covid-19' made on 21 February and the end of universal free testing from 1st April, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

Committee Members Councillors Scott Payter-Harris (Vice Chair), George Madgwick (Vice Chair), Yinka Adeniran, Dave Ashmore, Kimberly Barrett, Stuart Brown, Tom Coles, Jason Fazackarley, Lewis Gosling, Ian Holder, Leo Madden, Asghar Shah Benedict Swann, Linda Symes and Daniel Wemyss.

The panel today consists of: Councillors Scott Payter-Harris, Kimberly Barrett and Linda Symes.

The reserve member is Councillor Stuart Brown.

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Apologies for absence**
- 2 Declarations of Members' Interests**
- 3 Licensing Act 2003 - Review Application - Danny Mart, 2 Ludlow Road, Paulsgrove, Portsmouth (Pages 3 - 84)**

Purpose.

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 (the Act) and in respect of the following premises:

Danny Mar, 2 Ludlow Road, Paulsgrove, Portsmouth.

The holder of the authorisation is recorded as Mr Nandakumar Vayanaperumal.

The committee is asked to determine the matter.

Members of the public are now permitted to use both audio-visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the council's website and posters on the wall of the meeting's venue.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 28 November 2022

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Review Application - Danny Mart, 2 Ludlow Road, Paulsgrove, Portsmouth

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Danny Mart, 2 Ludlow Road, Paulsgrove, Portsmouth.

The holder of the authorisation is recorded as Mr Nandakumar Vayanaperumal.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted by the Mr Colin Pollard on behalf of the Chief Officer Of Police and relates to following licensing objectives:

- Prevention of crime and disorder
- Protection of children from harm

3. BACKGROUND INFORMATION

In 2016, a stolen bank card was used to purchase items from this store. Police requested CCTV from the premises to identify the offender and experienced difficulties in securing this CCTV footage which is a condition of the premises Licence. It was only after PC Rackham from the Police Licensing unit became involved did the DPS and Premises Licence holder comply with the request.

In July 2022 a reported assault on an 8 year old child was reported to the police that occurred in the shop premises. The allegation was that the offending person was an employee at the shop. Attempts were made to secure CCTV footage of this incident and attempts to secure this CCTV again proved very difficult, with the police making repeated attempts to secure this evidence and the DPS/Premises Licence holder being obstructive. His actions significantly undermined the police investigation into a reported assault on a child and breached the requirements around the CCTV condition on the Premises Licence.

A copy of the current authorisation is attached as **Appendix B**.

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was also posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY OTHER PERSONS

A number of support representations for the premises have been received from local residents and customers. One additional representation has been received supporting the police review, together with a representation from Councillor George Madgwick the local ward councillor. These representations are attached at **Appendix C**.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgments of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act;
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider any public sector equality duty requiring public bodies to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
 - I) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race - this includes ethnic or national origins, colour or nationality, vi) religion or belief - this includes lack of belief, vii) sex and viii) sexual orientation.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

Paragraph 11.1 - *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 - *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Paragraph 11.10 - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."*

Paragraph 11.16 - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."*

Paragraph 11.18 - *"However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

Paragraph 11.19 - *"Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new*

conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence."

Paragraph 11.20 - "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

Paragraph 11.21 - "For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."

Paragraph 11.22 - "Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."

Paragraph 11.23 - "Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

An appeal against any punitive sanctions may be made within 21 days of the authorisation holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until any submitted appeal is disposed of.

7. APPENDICES

- A. Copy of the redacted review application together with any supporting documents
- B. Copy of the current authorisation to include location plan
- C. Copies of any other relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager
And on behalf of Head of Service

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**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 8

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I Colin Pollard, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(Select as applicable)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Danny Mart 2 Ludlow Road Portsmouth
Postcode (if known):	PO6 3SN

Name of premises licence holder or club holding club premises certificate (if known) Nandakumar VAYANAPERUMAL
--

Number of premises licence or club premises certificate (if known) 09/00651/LAPREM

Details of responsible authority applicant

Mr Mrs Miss Ms Other title / Rank:	
Surname: Pollard	First Names: Colin
Current postal address :	Police Licensing Team Core 5, Lower Ground Floor Portsmouth Civic Offices Portsmouth Hampshire
Postcode:	PO1 2AL
Daytime telephone number:	02392 688754
E-mail address: (optional)	licensing@hampshire.police.uk



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

This application to review relates to the following licensing objective(s)

*Select one or more
boxes*

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

The Chief Officer of Police requests a review of the premises licence for Danny Mart, 2 Ludlow Road, Portsmouth under the Prevention of Crime and Disorder and Protection of Children from Harm Licensing Objectives.

This follows an incident where an 8 year old female reported she had been the victim of an assault at the premises by a female member of staff and the Designated Premises Supervisor and Premises Licence Holder refused to provide the CCTV. This has meant that officers have been unable to investigate fully the report. This has left an 8 year old girl and her family being unable to receive justice and the Premises Licence Holder/DPS (PLH/DPS), likely committing offences in relation to S136 Licensing Act 2003 in the process.

The Chief Officer of Police believes that these events have led to a situation whereby the licensing objectives have failed to be promoted at the premises and has undermined the confidence in the ability of the PLH/DPS to promote them moving forwards.

The premises is a convenience store and holds a licence to sell alcohol for consumption "off" the premises. The Designated Premises Supervisor and Premises Licence Holder are the same person, Nandakumar Vayanaperumal. This person also calls themselves "Nanda". Nanda has operated off licences in a number of differing locations and is an experienced licensee.

There are a number of conditions on the licence. One of which is in relation to CCTV, the key points of which are as follows:

- CCTV must be fully operational whilst the premises is open to the public
- It will have a capacity for storage of 31 days good quality pictures
- Police need to have access to the system quickly and easily
- Provision will be made for someone to have access to the system and operate it

In 2016 Police were investigating an incident where away from the premises a vehicle was broken into and a bank card stolen. The bank card was later used at the store to purchase items fraudulently.

As part of the investigation officers made efforts to contact the premises and the PLH/DPS in order to access CCTV and identify the offender in the case. Officers struggled to do this



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
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despite:

- Attending the premises to request the CCTV. Officers were told by staff working at the premises that the only person who could work the CCTV was the PLH/DPS and he was unavailable.
- Efforts to contact the PLH/DPS numerous times on his phone number which were not answered.
- Leaving a number of voicemails on the PLH/DPS phone. He did not respond.
- Requests for staff to contact the PLH/DPS and speak with him. He did not answer their calls either.

The officers investigating the incident reached out to the Police Licensing Team as they were frustrated by the lack of co-operation of the Licence Holder to provide the CCTV in line with the premises licence conditions.

PC Rackham spoke with the Licensee over the phone and explained to him the need for CCTV and explained to him his responsibilities under the Licensing Act 2003. He then followed this up with him by email where he:

- Detailed the lack of response from him in relation to CCTV requests.
- Advised that this lack of response was hampering an investigation into a theft/fraud incident.
- Explained that his CCTV condition detailed that he needed to provide access to the Police and provide someone to operate the system.
- Explained that failing to do so was a breach of his licence condition and a potential offence under S136 Licensing Act 2003 and that this could result in prosecution and/or trigger of the review mechanism.
- Advised that he needed to contact the Police officer dealing with the investigation and provide the information requested swiftly to avoid any action being taken from a licensing perspective.

Following this engagement the PLH/DPS contacted the officers involved and organised the information required. No further action was taken as it was felt at the time that the Licensee had taken on board the feedback and ensured that he was compliant with the conditions of his premises licence.

Provided are the emails and contact in relation to this incident within Annex A of the Police evidence in this case.

On 12th July 2022 a report was made to the Police by the father of an 8 year old female. Incident 44220279311 refers and has been recorded as an Assault without injury.

The circumstances of the incident are as follows:

An 8 year old girl enters the Danny Mart at 2 Ludlow Road and the shop keeper, a female, requests to take a photo of her. She refuses and a photo is taken of her. The girl leaves the premises. On the 12th July 2022 the girl attends with her 12 year old friend to purchase



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sweets. The two purchase the sweets and following this the same female comes from behind the counter and grabs the 8 year old girl by the arm and pushes her against a stand in the store. The female then asks if she can take a photo of her to which the girl says to her "GET OFF".

The incident has upset the 8 year old girl and has concerned the girls parents. Officers from the local Neighbourhood Policing Team seek to investigate the circumstances to understand what has happened by viewing CCTV and seeking to obtain the details of the staff member working at the time.

The Police make numerous efforts to obtain CCTV from the premises, attending the store and making contact with the PLH/DPS eight times. All efforts to obtain CCTV are met with resistance and the PLH/DPS fails to provide the CCTV which is key in this case. He is obstructive in his dealings with the Police. The efforts of the local Neighbourhood Policing Team to obtain the CCTV and investigate the report are detailed in ANNEX B of the Police evidence bundle.

Following the failure of the PLH/DPS to provide the CCTV footage or assist with the investigation, PCSO Hambrook contacted the Licensing Department in order to ask for support with the retrieval of the CCTV. This contact is within Annex C of the Police evidence bundle.

On Thursday 11th August 2022 at around 17:15 hours, PC Rackham, of the Police Licensing Team, contacted the PLH/DPS by phone, introduced himself and advised of the incident and the difficulties for the Police obtaining CCTV into the assault on a young female. The PLH/DPS responded by stating words to the effect of, "the Police have never helped me so why should I help the Police."

PC Rackham again reiterated the circumstances of the incident and why it was important for police to obtain the footage. The PLH/DPS again repeated the line that the Police had never helped him so why should he help the Police.

PC Rackham explained to the the Licence Holder/DPS that he was legally responsible as both the DPS and the Premises Licence Holder for two things:

- The Promotion of the Licensing Objectives at the premises, specifically the prevention of crime and disorder and the protection of children from harm.
- Compliance with the conditions of the premises licence.

PC Rackham stated to the Licence Holder/DPS that he had a CCTV condition requiring him to keep footage for 31 days, provide access to the Police and ensure that there was a person on site at all times who could operate it. During the course of this conversation the Licence Holder/DPS stated that the footage of the incident on the 12th July had been overwritten and now did not exist.

Statements from both PCSO Hambrook and PC Rackham have been written and provided to Portsmouth City Councils Licensing Team for consideration of an investigation into offences under S136 of the Licensing Act 2003. These are contained in Annex D of the



**Application for the review of / Representation in respect of a
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Police evidence bundle.

As you can see, numerous attempts have been made to obtain the footage in the case of the assault on the 8 year old girl and the failure of the PLH/DPS to provide this footage has significantly undermined the ability of the Police to investigate this matter. The Police position is that this has significantly undermined the Prevention of Crime and Disorder Licensing Objective and that of the Protection of Children from Harm.

The PLH/DPS has breached the premises licence conditions in relation to CCTV at the premises. On 5 occasions following the assault on the 8 year old girl, Police have attended the premises and no one has been able to operate the CCTV or provide Police with access to it.

The PLH/DPS has failed to ensure that the CCTV system operates for 31 days as per the conditions of the Premises Licence. On the 28th July he states to PCSO Hambrook that he believes that the footage has been overwritten. This is only 17 days after the incident and should have been available. The PLH/DPS states on the 11th August 2022 that the footage is not available. This was the 31st day when footage should have been made available to Police.

The reaction of the PLH/DPS to these requests has been obstructive. He has refused to assist the Police and on a number of occasions stated his rationale that he doesn't believe the Police have helped him so he shouldn't help the Police. This is extremely unhelpful and has significantly undermined the investigation of a reported assault by a staff member on an 8 year old girl.

The question for the committee is how this is dealt with at the hearing. The Police position is that we have a DPS who is also the Premises Licence Holder. This person is an experienced operator and understands his responsibilities under the Licensing Act 2003. He has deliberately:

- Refused to provide CCTV through his belief that he should not have to support the Police as he feels the Police have not supported him. This is despite the fact that he has the details of the Police Licensing Team and could contact them at any point. It is also despite the fact that he has the right to review any case as a victim if he is unhappy with how he has been dealt with by the Police. To the Police's knowledge the PLH/DPS has not reached out to the Police Licensing Team, nor have they ever requested a victim's right to review.
- Deliberately breached conditions consistently. All licensable activity will have been conducted other than in accordance with the Premises Licence resulting in S136 Licensing offences through the failure to provide CCTV, being unable to provide CCTV on Police request and also the CCTV being overwritten within 31 days.
- Deliberately failed to support a Police investigation into an assault on an 8 year old girl, by a staff member at the premises.

The options open to the committee are numerous and I shall go through them:

Do nothing - It is the view of Police that this will result in a continuation of the deliberate



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

If you have made representations before relating to this premises please state what they were
N/A

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I have sent a copy of this representation to the principal licensing officer of Portsmouth City Council

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Signature of Officer Completing

Name Colin Pollard Collar Number: 16866
Signature: Colin Pollard Date: 04/10/2022

Signature of Authorising Officer (Inspector or above)

Name Robert Cohen Collar Number: 2849
Signature: R. Cohen Date: 05/10/2022

ANNEX A – POLICE EVIDENCE – DANNY MART REVIEW

Dear Nanda

I have been contacted by colleagues of mine regarding a crime they are investigating in which the offender has stolen a card from a vehicle and then used the card stolen to purchase goods in your store in Ludlow Road on the 21/07/2016.

I am advised by colleagues that they have:

Attended the Ludlow Road store and requested CCTV. They were advised that only you can operate the CCTV and they do not have access to this.

Contacted you numerous times on your phone to which there has been no reply.

Left you voicemails on your phone to which you do not reply.

Asked staff at your stores to contact you by phone to which again you have not picked up.

As such this is severely hampering an investigation into a criminal matter. It is also very disappointing that you have not returned the calls as you appear to have contacted us since our contact regarding other matters.

You have a duty and **MUST** uphold the licensing objectives when you are operating your business and **MUST** uphold the Prevention of Crime and Disorder Licensing Objective. By not contacting us with regards to this matter and failing to provide the evidence you have in your possession you are undermining the licensing objectives.

I also draw your attention to your own Premises Licence Conditions which with regards to CCTV state:

It is important that the Police are able to access data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment.

At present this is clearly not the case as your staff are unable to access data from the systems quickly or easily. As such you are breaching your licence conditions which you must do so by law. It is an offence under S136 of the Licensing Act 2003 to fail to adhere to these licence conditions. As you well know, failing to adhere to these conditions can leave you open to prosecution, review of your licence or both.

My advice to you is very simple:

Contact PC Christina Lamb via 101 or

[REDACTED]

Ask what CCTV she needs

Burn that CCTV off and make it available to us

ANNEX A – POLICE EVIDENCE – DANNY MART REVIEW

This will enable us to continue our investigation into the Theft/Fraud and hopefully achieve justice for the victim, it will also enable you to be satisfied that I will not be considering a review of your premises licence for failing to support the crime prevention licensing objective.

Any issues then please do not hesitate to contact me via the below means.

Kind Regards

Pete

*PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth Civic Offices*

[REDACTED]

[Licensing Home Page](#)

[REDACTED]

Email from colleagues

Hi Pete,

I hope you can help, or pass to who can deal?

We have been trying to contact the licensee / owner of the Danny Mart on the junction of Ludlow Road / Blakemere Crescent, in order to obtain CCTV of a stolen credit card being used in the store on 21/07/16. Records show the Licensee is a Mr Nanda VAYANAPERUMAL, mobile: [REDACTED]. I have made several calls and left messages on Voicemail requesting a call back from the owner to see if CCTV is present / viable. I know he is in the country (not on holiday) as he has reported a theft from another store only today.... Using the same mobile number!

There has been no response to the calls and messages, and attendance in person at the store today resulted in staff confirming the only access to CCTV is through the owner. They attempted numerous calls to him from the store, while we were present, and were also unable to get any response.

ANNEX A – POLICE EVIDENCE – DANNY MART REVIEW

The job was theft from MV, in Leith Avenue, Portchester, and the stolen cards were used in several local stores – 44160272410 refers.

I was thinking the normal Off Licensing conditions require the CCTV to be produced on request, however this Licensee seems to be unwilling to communicate never mind cooperate. The messages left made it clear we needed to make CCTV enquiries and he has simply ignored me.

Any assistance would be appreciated.

Kind regards,

Jo

PCSO 12209 Jo-DONEGAN

*Member of the Police Licensing Authority, formerly Integrated Security and Protection
Services*

Cosham & Paulsgrove Neighbourhood Policing Team
Cosham Police Station | Wayte Street | Cosham | Hants | PO6 3BS

Hi Nanda

Many thanks for the prompt reply to my email.

To give you a little more information. Between 20th and 21st July 2016 an unknown person has broken into a vehicle and stolen a wallet belonging to the victim from within the vehicle. The bank card in the wallet has then been used at your store in Ludlow Road to make two payments. I am assuming (I could be wrong) that contactless payment has been used for these payments.

With regards to the information for timings I have the following information:

Occurred on the 21/07/2016

Two payments made totalling £8.35 and £11.74 at the Ludlow Road store

At present I have no timings as such as the bank have not provided us with a full statement yet, we are going from the victims banking phone app which does not show what times the

ANNEX A – POLICE EVIDENCE – DANNY MART REVIEW

items have been made. From the payments it appears that these are payments made inside the store rather than a cash point facility.

As the payments are so particular, are you able to marry the till payments with timings and then burn the CCTV 5 minutes either side of this time?

This should hopefully identify the offender.

Any issues then please let me know.

Once again thank you for your time and effort with this enquiry.

Kind Regards

Pete

*PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth Civic Offices*

[REDACTED]

[REDACTED]

[REDACTED]

POLICE ANNEX B

ANNEX B – Police Evidence – Danny Mart Review

16/07/2022 15:07

I did attend the DANNY MART yesterday evening but the only person working was a female who fit the description of the suspect and ideally I would like to speak with the manager first/with her and view the CCTV

22/07/2022 16:08

I visited the DANNY MART this afternoon but the manager wasn't there to assist with CCTV. She said that he should be there around 5:30 so I try to visit again around that time.

25/07/2022 08:42

I did re-visit the DANNY MART at 17:30 on 22/07/22, but the same member of staff who I spoke with earlier in the day told me that the manager had been and gone. I asked if she told him that I was coming and she said no.

I am going to attempt to re-attend today and ask that the manager attends while I am there and be a bit more firm as I feel as though the female member of staff (who I'm almost certain is the suspect) seems to be being a bit obstructive.

28/07/2022 13:17

I visited the DANNY MART again today with PC DAVIES.

I spoke with the member of staff who was working there today and asked her to call the manager as he wasn't present at that time. I spoke with him on the phone and he said that he does not think the footage will go back as far as 12/07/22 but he will check. I said I would call him back today/tomorrow.

I have just tried to call him back but there was no answer.

29/07/2022 10:53

Further call made to the manager - no answer.

01/08/2022 21:09

I have tried calling the manager again today - no answer.

08/08/2022 16:00

I attended DANNY MART again today as the manager is still not returning my calls.

I spoke with the same female that I spoke with before that I feel may be deliberately being awkward, and who I also believe may be the suspect but I cannot confirm this. She told us that the manager was due to get to DANNY MART for 14:00, we decided to wait as it was 13:50 and she kept trying to tell me to call him instead. He did not arrive so called him and he became quite angry and said that the Police never help him they only ever come to him when they need help. I tried to explain to him that I am simply trying to investigate what happened and it could also help potentially disprove what has been reported if that is the case, but he was becoming quite agitated. I said I need to find out who the member of staff was and he told me she has now left the job. I asked him what her name is and he said he couldn't remember so he'd find out and call me back, but he hasn't called back.

I feel as though they are deliberately trying to be obstructive so I will speak to my sergeant to see what the next step should be.

POLICE ANNEX C

ANNEX C – POLICE EVIDENCE – DANNY MART REVIEW

Hi Pete,

I've been advised to email you about a job I've got (**44220279311**) in which the suspect works at the DANNY MART, PAULSGROVE, and I feel both the suspect and manager is being deliberately obstructive which has meant I am unable to deal with the job.

To summarise, an 8yr old girl has attended the shop and said that a female member of staff (suspect) has asked if she can take a picture of her, to which the girl said no, but the suspect supposedly took pictures anyway. The 8yr old has re-attended the shop the next day with a 12yr old friend of hers. The same member of staff was there and asked the girl if she can take a video of her, after the aggd refused this, the suspect has then reportedly grabbed the girls arm and pushed her up against the chocolate stand and then proceeded to take videos of her.

I attended the shop to look at the CCTV, and I spoke with a female member of staff who I believe is potentially the suspect (vague desc given so would be unable to assume) although she matches the desc and is quite happy and giddy which is how she was described by the aggd. I asked her if the manager was in as he is the only one that can view the CCTV, and she advised that he wasn't so I would need to come back another day. She told me that he is only normally at the shop after 21:30 every day. However upon looking online it states that the shop closes at 21:30.

I visited the shop on another day at about 15:00 and spoke with the same female. She told me to come back at 17:30 as the manager should be there around then. I re-attended at 17:30 but the female said the manager had just left, and she said she didn't tell him I was meant to be coming.

I re-attended a few days later and spoke with the manager using a member of staff's phone (he doesn't ever answer the phone to me) and he told me he didn't think the CCTV footage would go back that far but said he would check and let me know.

The last time I attended was 08/08/22 and I spoke with the female who I believe to be the suspect again. She told me that the manager was due to get to the shop about 14:00, so I waited as it was not long till this time. He didn't turn up so I called him using my colleague's phone. He became angry on the phone saying Police never help them and we are only ever there to be against them. I did explain that I am there to just find out what happened and this could potentially help them disprove what has been reported. I asked him to tell me who was working on the day of the incident, and he said that 'she' has now left the shop, so I asked him to provide me with her details so I can at least speak with her and he said he would call me back then hung up. He hasn't called me back.

My concern is that the CCTV has now definitely gone from their system due to the constant delays and also the manager is being obstructive to the point I am unable to progress the job.

Is this something you could look into? Sorry for the lengthy email but I wanted to explain how they were being so obstructive!

Kind Regards,
PCSO 15651 Rebecca Hambrook
Cosham & Paulsgrove Neighbourhood Policing Team
Medina House
Medina Road
PO6 3EX

ANNEX D - POLICE EVIDENCE - DANNY MART REVIEW

Official-Sensitive (when complete)

Official-Sensitive general handling guidance	
Additional handling instructions (if any):	

MG11 WITNESS STATEMENT

Occurrence Number:	44090522217	URN:	
Statement of:	RACKHAM, PETER		
Age:		Occupation:	Police service

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

To find out more about how Hampshire Constabulary uses your personal data and how to exercise your data rights, see our privacy notice at <https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/> or request a copy by calling 101.

I am PC 21945 Rackham and I am employed by Hampshire Constabulary as a Police Constable, currently based on the Force Licensing and Alcohol Harm Reduction Team in Portsmouth.

This is my statement relating to a breach of the premises licence conditions at a licensed premises in Portsmouth, The Danny Mart, Ludlow Road, Portsmouth.

In this statement, I shall refer to PCSO Rebecca Hambrook as PCSO HAMBROOK. I shall also refer to the Designated Premises Supervisor and Premises Licence Holder of the Danny Mart, Nandakumar VAYANAPERUMAL 04/04/1977 as NANDA. When I have previously spoken with NANDA this is the name he has stated to call him by.

The Danny Mart, Ludlow Road, Portsmouth is a small convenience store, which has a premises licence issued under the Licensing Act 2003. On the licence are conditions relating to the operation of the CCTV, inclusive of a person being at the premises to operate it and the Police having access to the CCTV.

On Thursday 11th August 2022, I received an email from PCSO HAMBROOK stating that she had been investigating an incident at the Danny Mart, Ludlow Road, Portsmouth where a staff member had reportedly grabbed hold of a 12-year-old female and taken photos of her. During the course of the investigation PCSO HAMBROOK advised me that she had made numerous attempts to contact the management at the premises over the course of the last month and that they had failed to provide the details of the staff member working and could not provide the CCTV. As such, PCSO HAMBROOK had been unable to obtain the CCTV in the case. PCSO HAMBROOK advised me that the incident was logged on the Police Record Management System as incident number 44220279311. Looking at the incident, I could see that the incident had been reported to have occurred on 12th July 2022.

I produce the email as PR/RH/01 – Email from PCSO HAMBROOK to PC RACKHAM regarding CCTV at Danny Mart.

On Thursday 11th August 2022 at around 17:15 hours I contacted NANDA by telephone and introduced myself and stated that the purpose of my call was to discuss a request made for CCTV at the premises following a report that a staff member had assaulted a 12 year old female.

NANDA immediately stated that when he had issues previously the Police had never helped him so why should he help the Police.

ANNEX D - POLICE EVIDENCE - DANNY MART REVIEW

I again reiterated to NANDA that Police were attempting to investigate a reported assault on a 12-year-old female at the premises where the suspect was potentially a member of his staff. NANDA again stated that the Police never help him and asked why he should help the Police.

I stated to NANDA that he was legally responsible as both Designated Premises Supervisor and Premises Licence Holder for two things: The promotion of all four of the licensing objectives at the premises, specifically the prevention of crime and disorder and the protection of children from harm licensing objective as well as compliance with the conditions of his premises licence. I stated that in relation to the CCTV condition, he was required to keep footage for 31 days, provide access to the Police and ensure that there was a person on site at all times who could operate it.

NANDA confirmed to me through the conversation that the footage of the incident on the 12th July 2022 had been over written and did not now exist and that CCTV could not be provided.

Signature of Witness		Signature Witnessed By	
Name:	#21945 RACKHAM, P.	Name:	
Signed Time:	11/08/2022 18:10	Signed Time:	

Official-Sensitive (when complete)

MG11

[Official-Sensitive general handling guidance](#)

Additional handling instructions (if any):

WITNESS STATEMENT

URN

Statement of: PCSO Rebecca Hambrook

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: PCSO

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ (witness)

Date: 11/08/2022

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VICTIM PERSONAL STATEMENT

I have been given the victim personal statement (VPS) leaflet and the VPS scheme has been explained to me. What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence.

I am PCSO 15651 Rebecca HAMBROOK and am employed by HAMPSHIRE CONSTABULARY as a Police Community Support Officer, currently based at MEDINA HOUSE, COSHAM.

In this statement I will be mentioning 7 people. The first person is the victim, _____ who I will be calling _____, her friend, _____ who I will be referring to as _____, her dad, _____ who I will refer to as _____, the member of staff who I will refer to as LONG HAIR, the manager, Nandakumar VAYANAPERUMAL who I will name NANDA, my colleague who I will refer to as PC 28644 Rory DAVIES and my other colleague who I will refer to as PC 28716 Ryan SNELL.

This statement is to evidence the difficulties I have been facing whilst trying to conduct enquiries for an assault on an 8 year old girl. The incident occurred at DANNY MART, LUDLOW ROAD, PORTSMOUTH, and I have needed to liaise with staff and the manager in order to investigate this incident, however I feel they have been deliberately obstructive.

_____ called Police to report that his 8yr old daughter, _____, had been to DANNY MART on 11/07/22 to buy some sweets. _____ stated that there was an IC4 female in her 20s who asked to take her picture, to which _____ replied with "NO." The suspect continued to ask but _____ kept saying "NO." _____ bought her sweets and then left. The following day (12/07/22) _____ re-attended DANNY MART with her friend and neighbour, _____, to buy more sweets. _____ said as they were leaving, the suspect

Signed :

Signature witnessed by :

2013/09

Official-Sensitive (when complete)

came out from behind the counter, grabbed her arm and pushed her against the chocolate counter. The suspect then asked if she could video her to which [REDACTED] replied with "NO GET OFF ME" and then the suspect asked if she could come back tomorrow then. [REDACTED] said neither her nor [REDACTED] had done anything wrong and she was very shaken up by the incident.

My intention was to speak with the manager about the incident and obtain CCTV before speaking with the suspect once I'd found out who she was.

I first attended DANNY MART on 16/07/22, and I met with LONG HAIR who is a member of staff at the shop. She fit the description of the suspect given by the agg'd, as she was IC4, was in her 20s and appeared very happy and 'giddy' (which is how the agg'd described her) however I cannot confirm that LONG HAIR is definitely the suspect. I knew from previous incidents that the only person who could work the CCTV was the manager so I asked to speak with him regarding CCTV, to which LONG HAIR said he was not available. She did advise me that NANDA was only normally at the shop after 21:30. Later I looked online and it stated that the shop closes at 21:30.

The next time I visited DANNY MART was on 22/07/22 at about 15:00, and again LONG HAIR told me that NANDA wasn't there but that he would be back around 17:30. I returned at 17:30, however LONG HAIR told me that NANDA had been and gone. I asked if she told him I was meant to be coming back and she said she didn't tell him.

In between visits to DANNY MART I had been trying to call NANDA's mobile phone but he would never answer.

I re-visited on 28/07/22 with my colleague, PC 28644 Rory DAVIES. I spoke with a member of staff who I had not met before who advised me that the manager was not in. I asked if she could call him from her phone as I can't ever get through to him, so she called him and he answered and passed the phone to me. I spoke with NANDA and told him about the incident that had been reported to us, and explained that I need to view his CCTV in regards to his. He advised me that he thinks the footage would have been wiped from the system as it only stays on the system for a certain time, but he said he would check and let me know. I also asked if he could find out who was working on the day of the incident, but he seemed to indicate he wouldn't be able to do this. It was agreed I would call him later that day for an update, but when I tried to call him there was never an answer.

I had not heard anything from DANNY and I was still unable to get through to him via his mobile, so I re-attended DANNY MART on 08/08/22 with PC 28716 Ryan SNELL. I spoke with LONG HAIR who told me that NANDA should be attending the shop at 14:00, so as it was approximately 13:45 we decided to wait for NANDA to arrive. Whilst waiting, LONG HAIR advised that I should call NANDA to see if he would actually arrive as I do not believe she thought I was going to wait. We waited till past 14:00 but NANDA did not arrive, so I called him using PC SNELL's work phone and he answered. He became immediately irritated and began saying that the Police only contact him when they've done something wrong and never to help them. I did explain that I am here to find out the facts, and that this is an opportunity for them to potentially disprove what has been reported should this be the case. NANDA didn't listen and continued to shout at me down the phone about how we never help him. I asked him for the details of who was working on the day of the incident and he told me that "she" was no longer working at the shop. I asked him for her details and he said he would find out and call me back. He never called me back and did not return my calls.

I feel as though both LONG HAIR and NANDA have been deliberately obstructive which has caused me to be unable to complete my enquiries. This has resulted in what will more than likely be a no further action outcome as there will be no evidence, as viewing the CCTV

Signed :

Signature witnessed by :

would have either proven or disproven the report, as every part of the shop is covered by cameras.

Signed : _____ Signature witnessed by : _____

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Premises Licence Number:	09/00651/LAPREM
---------------------------------	-----------------

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
--

Danny Mart 2 Ludlow Road Paulsgrove

Post town: Portsmouth	Post code: PO6 3SN
-----------------------	--------------------

Telephone Number:

Where the licence is time limited, the dates:

Licensable activities authorised by the licence:

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:
--

Sale by retail of alcohol Monday to Sunday: 08:00 - 22:00
--

The opening hours of the premises:

Hours premises are open to the public Monday to Sunday: 06:00 - 22:00
--

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Nandakumar Vayanaperumal

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone number: [REDACTED]

Email: [REDACTED]

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Nandakumar Vayanaperumal

[REDACTED]

Page 32

Telephone Number: [REDACTED]

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal licence Number: 990

Issuing licensing authority: Portsmouth City Council



Date Licence Granted: 09.12.2009

Authorised Officer
Licensing Section

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

LICENSING ACT 2003

PREMISES LICENCE

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Annex 2 - Conditions consistent with the Operating Schedule

1. Operation and Storage.

- A CCTV system will be installed and fully operational whilst the venue is open to the public.
- The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
- A record will be kept of any access made to information held on the system.
- The system will be regularly maintained and serviced.
- The system clock will be checked regularly for accuracy taking account of GMT and BST.
- Tapes should be replaced after 12 usages - i.e. annually.
- Digital systems will have sufficient storage capacity for 31 days good quality pictures. Tapes should be replaced after 12 usages - i.e. annually.
- Images produced will be date and time stamped.

Access

- It is important that the Police are able to access data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment.
- All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
- A simple operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

2. The premises licence will not come into effect until the CCTV System has been approved by the Police.

3. The licence holder must ensure that all staff selling alcohol have received adequate training, which must incorporate a process of assessment and refresher

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

training, to a recognised national standard on the law with regard to age restricted alcohol sales and that this has been properly documented and records kept. This will also include a yearly refresher.

4. The store will operate the Proxy Watch Scheme. To be delivered free by Trading Standards.
5. The store will operate the Challenge 25 Scheme. (Window and Counter Display)
6. An up to date refusal log will be kept to include dates, times, descriptions of all refusals, anti social behaviour and proxy sales.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 3 - Conditions attached after a hearing by the licensing authority

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 4 - Plans

See attached.

APPENDIX C

From: [Robson, Debra](#)
To: [Robson, Debra](#)
Subject: FW: Danny Mart
Date: 19 October 2022 10:52:08

-----Original Message-----

From: A P [REDACTED]
Sent: 09 October 2022 20:43
To: Licensing Shared Email [REDACTED]
Subject: Danny Mart

I am told the allegations are not true by danny mart. If they are not true i would like the alcohol license to be kept as its where i buy my alcohol kind regards

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APPENDIX C

From: [charlie balfour](#)
To: [Licensing Shared Email](#)
Date: 09 October 2022 13:13:28

My nan and grandad live in Washbrook Road.
They would like Danny Mart to still licence.
They've never had any problems round there.
Many thanks.

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APPENDIX C

From: [Pat Fudge](#)
To: [Licensing Shared Email](#)
Subject: My local shop
Date: 12 October 2022 10:27:00

I am sending this email concerning my local shop Danny mart Ludlow road paulsgrove it has come to my notice that the police wish to revoke the alcohol licence I think this is very unfair he delivers a very good service to us in the area he has rectified the problem with the CCTV it is only a little shop but it is a life saver to a lot of people.

Yours sincerely
Mrs P A Fudge

Sent from my iPad

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APPENDIX C

Stone, Derek

From: Licensing Shared Email
Sent: 28 October 2022 10:20
To: Robson, Debra; Stone, Derek; Lee, Ross
Subject: FW: Danny mart Portsmouth

From: XRP Jamie Hutchison [REDACTED]
Sent: 28 October 2022 09:41
To: Licensing Shared Email [REDACTED]
Subject: Danny mart Portsmouth

I'm writing to say I would like the dannymart to keep their license I, and to stay open, the shop is convenient and the staff are great.

Jamie govan
90 Leominster road po6 4de

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APPENDIX C

From: [tanzy gratton](#)
To: [Licensing Shared Email](#)
Subject: Dannymart shop Ludlow road
Date: 25 October 2022 17:14:48

To whom this may concern,

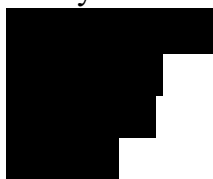
My name is Tanzy Gratton and I am writing to you with my full support for the Danny Mart shop in Ludlow road, portsmouth to keep their alcohol licence.

I have been working for Mr Nandakumar in the Paulsgrove Danny Mart since January 2022. I work the 7.30-2.00pm shift 6 days a week. I was unaware of the incident in question until recently. I would have happily cooperated with anybody involved, however, no parent, no investigating police officer came to me during any of my shifts.

I would also like to state a little about my experience working here. As it's a local shop, most of our customers are regulars and also people who I've built quite a strong rapport with. We have one lady who likes to bring in old photos to show us and tells us about life just after world war 2. We have pensioners who come in every morning and we already have their newspapers ready by the till to save them roaming around the shop and to show courtesy. We have had school kids come in to offer us cakes that they've made using ingredients bought from our shop. I see many standing around having a chat with my boss in the mornings about world views as they've been coming to Mr Nandakumar for years and have also build a strong relationship with.

This is isn't just a shop, it's a spot in the community.

Yours sincerely
Tanzy Gratton



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APPENDIX C

From: [Licensing Shared Email](#)
To: [Stone, Derek](#); [Robson, Debra](#)
Subject: FW: DannyMart Shops
Date: 01 November 2022 15:47:13

From: Tori Ladybug [REDACTED]
Sent: 01 November 2022 14:42
To: Licensing Shared Email [REDACTED]
Subject: DannyMart Shops

To whom it may concern.

My name is Victoria Gratton-Adejumo

I have lived in Buckland since 2004 and prior to that I was a resident of Paulsgrove.

I still visit frequently and use both DannyMart shops.

In fact I live next doors to the Buckland shop so I have had experience of the shop being a public house and all of the noise and nuisance that it brought.

I can assure you that I have experienced a wonderful abatement in noise, drug smells, and convenience.

If I have had issues, I can leave a message at either shop for the owner and he will always address that.

His staff have always been friendly and helpful and very cautious over what products are sold and to whom.

I have witnessed staff actively refuse service as they saw children asking adults to purchase them cigarettes vapes or alcohol.

The staff will be polite but firm.

They also have a great policy on theft as well.

I support the DannyMart having a licence to serve alcohol as I am aware the staff do all in their power to prevent sales to minors.

Sincerely yours,

Victoria.Gratton-adejumo
[REDACTED]

Get [Outlook for Android](#)

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APPENDIX C

From: [Licensing Shared Email](#)
To: [Robson, Debra](#); [Stone, Derek](#); [Lee, Ross](#)
Subject: FW:
Date: 28 October 2022 13:26:57

-----Original Message-----

From: jasmine hallett [REDACTED]
Sent: 28 October 2022 13:23
To: Licensing Shared Email [REDACTED]
Subject:

I'm writing to say that I don't want the danny mart to close or loose their alcohol license , it would be a shame to see it go, along with the gentleman who owns it.

Kind regards
Jasmine Hallett
79 ashurst road
Portsmouth.
Po6 3hz Sent from my iPhone

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APPENDIX C

From: [Pat Hamilton](#)
To: [Licensing Shared Email](#)
Date: 24 October 2022 15:10:32

the Danni mart i use at Bromyard Cresent has excellent customer service the staff are always polite and helpful

Mrs P Hamilton
28 Braintree Road
PO6£RE
thank you

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APPENDIX C

From: [Lois Hankers](#)
To: [Licensing Shared Email](#)
Subject: Danny Mart
Date: 01 November 2022 11:42:47

I feel Danny Mart should not have the license taken away. Brilliant shop with amazing staff, very helpful been going to this shop for a very long time.

Kind regards,

Lois Hankers

54 Ludlow road po64ae.

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Comments for Licensing Application 22/02888/LAREVI

Application Summary

Application Number: 22/02888/LAREVI

Address: 2 Ludlow Road Paulsgrove Portsmouth Hants PO6 3SN

Proposal: Review Premises

Case Officer: null

Customer Details

Name: Miss Nicole Harper

Address: 24 Bredenbury Crescent, Portsmouth PO6 3SL

Comment Details

Commenter Type: Councillor

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment:06/10/2022 6:43 PM I object to danny mart licence being renewed. They should NOT have their licence renewed after the incident with a member of staff assaulting a young girl who my 12yr old daughter was with at the time! They should have given cctv to police ! Lots of our local children use this shop. I have stopped my daughter going in there.

APPENDIX C

From: [Licensing Shared Email](#)
To: [Stone, Derek](#)
Cc: [Robson, Debra](#)
Subject: FW: I am a local regular customer at the at Danny Mark I would like them to keep their alcohol licence. From Tony Harris at 7 blakemere crescent paulsgrove Portsmouth PO6 3SG thank you.
Date: 21 October 2022 09:19:25

From: Tony Harris [REDACTED]
Sent: 20 October 2022 17:26
To: Licensing Shared Email [REDACTED]
Subject: I am a local regular customer at the at Danny Mark I would like them to keep their alcohol licence. From Tony Harris at 7 blakemere crescent paulsgrove Portsmouth PO6 3SG thank you.

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APPENDIX C

David Horne

56, Colesbourne Road

Paulsgrove. PO6 4EA.

10/10/2022

I am writing to support Nandakumar Vayanaperumal to keep his premises licence for the Danny Mart 2, Ludlow Road, Paulsgrove.

As one of the former Paulsgrove Councillors we supported the opening of this shop after the demolition of the old Plover pub and shop. I have known and supported Nanda as the owner of the Danny Mart for the last 11 years who is a local successful businessman. Nanda is fully aware of all four of the licensing objectives and as the Police have commented that he is an experienced operator and understands his responsibilities.

The shop has experienced numerous issues of a break in, shoplifting, graffiti and racial incidents over the years and Nanda has always been cooperative with the Police submitting CCTV.

Someone on social media has made comments stating that the owner had refused to provide CCTV evidence to the Police and that there had been a number of previous incidents associated with the property including card fraud. The card was a stolen one that was then used in the shop on one occasion 6 years ago in 2016. This information was totally wrong and the person should have known better and has not helped with misinformation.

As an experienced Licensee it is not in the best interest of him, his business or the public to deliberately breach licensing conditions.

Regards

A black rectangular redaction box covers the signature area. A thin, light-colored line is visible below the redaction, possibly representing a signature or a mark.

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APPENDIX C

From: [Steven Jesic](#)
To: [Licensing Shared Email](#)
Subject: Alcohol Licence at Danny Mart
Date: 10 October 2022 11:38:01

Dear sir/ madam

As a regular customer of Danny Mart Off Licence/ convenience store, I strongly urge you to resist revoking their Alcohol Licence. I have no problems or have I experienced any problems with Danny Mart selling Alcohol, and I am a regular customer who frequently buys alcohol on a regular basis from Danny Mart as they are conveniently situated to where I live as I can walk there instead of using my car to pollute the air by driving to Tesco in Cosham.

I for one would be very angry with my local councillors if the council does revoke their licence, it will mean for a lot of people in the Paulsgrove/Wymering area reverted back to using their cars to drive elsewhere

Yours sincerely

Steve Jesic
18 Sudbury Road
PO63QZ



Sent from my iPhone

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APPENDIX C

From: [Licensing Shared Email](#)
To: [Robson, Debra](#)
Subject: FW: Danny Mart, Paulsgrove. Alcohol license
Date: 19 October 2022 13:45:22

-----Original Message-----

From: Natasha Jones [REDACTED]
Sent: 19 October 2022 13:42
To: Licensing Shared Email [REDACTED]
Subject: Danny Mart, Paulsgrove. Alcohol license

Danny Mart should keep it's alcohol license.

Natasha Jones
62 Leominster road
Paulsgrove
Portsmouth
Po64dd

Sent from my iPhone

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APPENDIX C

From: [Licensing Shared Email](#)
To: [Stone, Derek](#)
Cc: [Robson, Debra](#)
Subject: FW: Dannymart
Date: 03 November 2022 07:57:40

From: natalie jarrold [REDACTED]
Sent: 02 November 2022 17:42
To: Licensing Shared Email [REDACTED]
Subject: Dannymart

Good evening,

I am writing to say I would like the danny mart to keep their licence. I'm a single parent who suffers with back pain and I'd be devastated if they lost their licence or even worse, closed, the staff are great and I've had no problem with the polite and friendly people who work there as well as the boss(danny)

Kind regards
Natalie joseph
7 brendenbury crescent
Paulsgrove
Portsmouth
Po6 3sj

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APPENDIX C

Stone, Derek

From: Robson, Debra
Sent: 07 October 2022 11:40
To: Robson, Debra
Subject: FW: Danny Mart - rep from Cllr Madgwick

From: Madgwick, George (Cllr) [REDACTED]

Sent: 06 October 2022 21:36

To: Humphreys, Nickii [REDACTED]

Subject: Danny Mart

Please add this as a representation to the Danny Mart licensing review for the committee. I attempted to do online but wasn't allowing submissions for some reason (you may want to ask IT why?)

As a Cllr for Paulsgrove I've received several complaints in relation to this business and its practices/operation from residents within the ward. These have been in relation to failure to promote the licensing objectives. These include:-

- Public Safety (4 reports in relation to out of date food, in one instance out of date food was returned for a refund then returned to the shelf). A recent local food and hygiene inspection gave Danny Mart a 2/5 Rating. PCC EHO highlighted "Improvement necessary - Hygienic handling of food including preparation, cooking, re-heating, cooling and storage"
- Prevention of crime and disorder (Multiple reports of over-charging in relation to card transactions and giving incorrect change. Also aware of a number of card fraud reports)

I have no personal negative experience with the store and I have used it in the past and it's been a positive experience. However given the fact that the owner has refused to provide CCTV evidence there can only be two reasons for this:-

- 1) The owner doesn't want the police to have evidential proof of the assault of a minor taking place (The protection of children from harm) or;
- 2) That the owner in fact doesn't have operating and working CCTV in his store, if this is the case it is in clear violation of his licensing agreement with the council under which he is trading under.

The Danny Mart premise has long back dated heritage within the Paulsgrove community. It was once run by a local family and owners called John & Val who built it into a brilliant business. The community, as a generalisation, feel that the quality of the store has reduced under its current ownership.

As a community, however, we'd hate to see the store close. It's a vital asset to the local community and for the more vulnerable people locally to shop, without this store they'd struggle. That being said I ask the committee to carefully consider the message sent to other traders in the city should this review not have consequences for not providing the responsible authorities with key CCTV evidence to support the prevention of harm to children under the promotion of the licensing objectives within their business.

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TO WHO IT MAY CONCERN

I AM WRITING ON THE MATTER CONCERNING DANNY MARTS SHOP IN LUDLOW ROAD PAULSGROVE. WITH THE UNDERSTANDING THAT THE POLICE WANT TO REVOKE HIS ALCOHOL LICENCE. FOR THE REASONS STATED IN THIS LETTER

I HAVE BEEN A CUSTOMER OF DANNY MARTS FOR MANY YEARS. AND I FOUND DANNY AND ALL THE STAFF TO BE RESPONSIBLE VERY POLITE AND FRIENDLY. AND NOT I KNOW OF THE STAFF I FIND IT HARD TO BELIEVE THEY WOULD ASSAULT A CUSTOMER OF ANY AGE LET ALONG A ~~EXACT~~ YOUNG ~~WOMAN~~ ~~WOMAN~~. AND AS FOR BEING CONNECTED TO CREDIT CARD FRAUD. IVE NOT HEARD OF ANY SUCH TALK ABOUT, SUCH A THING AND IM AROUND THE SHOP OR ~~IN~~ IN THE AREA MOST DAYS AS I LIVE CLOSE BY. JUST TO LET YOU KNOW I HAVE NEVER BOUGHT ALCOHOL FROM THE SHOP OR ANY WHERE ELSE AS I DONT DRINK. I AM WRITING THIS IN SUPPORT OF THE SHOP AND STAFF. ~~BECAUSE I~~ AND DANNY'S BUSINESS. BECAUSE I FIND DANNY A VERY GENUINE PERSON AND A HONEST MAN, AND HIS STAFF ARE VERY NICE PEOPLE. I HAVE NEVER SEEN OR HEARD OF ANY TROUBLE CAUSED BY.

ALCOHOL OR LAWYER OTHER MIGHT FIND
BY THE SHOP (DANNIE MARTS) P.T.O

With Thanks



I am writing to you concerning the matter in London Road Police Station. With the understanding that the police want to revoke the licence for the person stated in the letter dated 21st March 1968.

I have been a customer of yours since I started for many years and I found your staff very friendly and helpful. I know of the staff I find it hard to believe that you would want a customer of yours to be treated in this way. I am sure you would not want to be connected to credit card fraud. I do not want to hear of any such thing. I am sure you would not want to be connected to the shop or in the area. I live close by.

I am sure you know I have never bought alcohol from the shop or any other shop as I don't drink. I am sure you will support the shop and staff. I am sure you will support the shop and staff. I am sure you will support the shop and staff.

Please Take Notice

The Police want to revoke the alcohol licence because my CCTV only recorded for 14 days and not 31 days. Now It records 31 days.

They have referred to an incident alleging an 8-year-old girl was assaulted by a member of staff. This is a totally untrue allegation. The 8-year-old girl was shoplifting and was asked by the member of staff to return the goods and leave the shop.

The other police allegation in the licence review relates to a matter in 2016 when someone used a stolen card in the shop and I could not provide CCTV of that person, This shop is not connected with credit card fraud as suggested by Councillor Madgwick on Facebook.

Anyone can write to the Council regarding the review application. If you do not want this shop to lose its licence and want it to continue selling alcohol, I need your support by writing to the Council and telling them that the staff here are responsible, that there are no problems with the shop selling alcohol and that the shop should keep its alcohol licence.

Please email

licensing@portsmouthcc.gov.uk by

2.11.2022 to help keep the licence.

Thank you for the support.

APPENDIX C

From: [Syd Rapson](#)
To: [Licensing Shared Email](#)
Date: 01 November 2022 10:02:58

During my period of office as both a Portsmouth City Councillor and Member of Parliament for Portsmouth North I fought to have the corner shop now called Dany Mart retained. Along with Cllr Jim Patey and Cllr David Horne we succeeded in its build. Getting someone to run it was a big challenge. Eventually a proprietor was found and the shop has been a Godsend. I live close to the shop and there are many elderly who rely on the shop. We are disadvantaged by living isolated from other services due to our topography living "up the hill". During the pandemic and lockdowns the shop was always available with caring staff especially the proprietor we call Nanda. I am therefore worried that the City Council are considering stopping the alcohol licence. Any reduction in trade could undermine the shop's ability to trade successfully. I am told that a local councillor has claimed that the shop is connected to credit card fraud which I find preposterous. I urge Licensing Service to allow the license to remain and remove the threat to this vital community service. Thank you. Honorary Alderman Syd Rapson B.E.M. , I.S. M. Freeman of the City of Portsmouth ,Ex- Lord Mayor and Ex Member of Parliament for Portsmouth North 1997-2005

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APPENDIX C

From: [alec royce](#)
To: [Licensing Shared Email](#)
Subject: Danny mart
Date: 27 October 2022 12:39:58

I would like for the dannymart shop to stay open in Ludlow road, I've never had any issues the staff are very friendly as well as the owner, I've been coming to this shop for years and couldn't imagine it not being there.

Alec Royce
72 Lime grove
Portsmouth
Po6 4dq

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APPENDIX C

From: [john.royce](#)
To: [Licensing Shared Email](#)
Subject: Danny mart
Date: 27 October 2022 12:57:06

To portsmouth city council,

I am writing to show my support for the Danny smart shop in Ludlow road, it's a great shop with a variety of convenience, staff have always been great, my and my family would want to see the shop go or the owner.

Yours sincerely
John Royce
7 Bredenbury Cres, Portsmouth PO6 3SJ

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APPENDIX C

From: [debbie.smith](#)
To: [Licensing Shared Email](#)
Subject: Danny mart news agents ludlow road
Date: 21 October 2022 16:34:42

Debra smith
2, Willersley Close
Paulsgrove
Portsmouth
PO6 3SS

Dear sir/madam

Its come to my attention that the police want to revoke the alcohol licence from my local and very convenient shop Danny mart in ludlow.,Paulsgrove Portsmouth. Id like to say that ive lived in paulsgrove all my life and know the shop very well, the staff in there are all very nice and polite, and as well as my self, my friends and family use this shop quite regularly to by alcohol and other shopping essentials.I have a disability and would be very disappointed if this shops licence was revoked as its very close to me, and I find it difficult travelling.I asked that that this decision be reviewed as I know it will greatly be missed in our community.

many thanks

D smith and the local community

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APPENDIX C

From: [Licensing Shared Email](#)
To: [Robson, Debra](#)
Subject: FW: Danny mark
Date: 12 October 2022 17:31:31
Attachments: [IMG_20221012_164037.jpg](#)

From: Elizabeth Thomas [REDACTED]
Sent: 12 October 2022 16:43
To: Licensing Shared Email [REDACTED]
Subject: Danny mark

Hi we dont want shop to lose its licence alcohol due to i get mine from there due to being easier for me and everyone else as live the road nxt to shop so saves walking to paulsgrove shop and a lot easier and im qicker

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**Representations on behalf of Nandakumar Vayanaperumal the Premises
Licence Holder for Danny Mart**

**In the matter of an application to review the Premises Licence brought by
Hampshire Constabulary**

Introduction

1. I refer to our client as Nanda throughout these representations. At the outset Nanda would like to offer his apology to the Committee and to the Police that this application has been necessary. He has already written personal apologies to Officers Rackham and Hambrook. He would like to apologise to the young girl and her parents for any distress caused in not having the available CCTV.
2. It is important however, for the Committee to have a full picture of his conduct as a Premises Licence Holder, given the cause of the review we identify below. We intend to show that Nanda is a responsible licence holder who does work in partnership with the police and that it would be wholly unreasonable and disproportionate to revoke his premises licence.
3. Taking account of the matters set out below we respectfully invite the Committee to issue a warning to Nanda to reinforce his commitment to that Partnership.

The cause of the Review

4. The guidance issued by the Secretary of State under section 182 of the Licensing Act makes it clear that the “cause of the review” should be established and that any measures taken should only be those which are directed at addressing that cause and no more than is appropriate and proportionate (paragraph 11.20).
5. I respectfully invite the Committee to accept that the cause of the review is the lack of confidence the Police Licensing Officer has in Nanda working in Partnership with the Police, and a fear that assistance may not be given to the police when investigating crime. From the application submitted, accompanying evidence, correspondence following receipt of the application between us and the police and a meeting with them, we cannot establish any other possible cause.
6. In correspondence with PC Pollard during the consultation period he accepted that the fact the CCTV was not recording for 31 days was not, in his view, a reason to revoke the premises licence. His email dated 12th October 2022 states: “you say the review outcome is entirely disproportionate. If the concerns

from police were solely related to the CCTV system recording too few days, in line with the wording of the condition, then I would agree.” He stated it was Nanda’s attitude that caused concern and his “unwillingness to engage with police.” This was repeated at a meeting between PC Pollard, Nanda and me, on 3rd November.

7. I will seek to persuade the Committee that this is most certainly not the case and as there is credible evidence that Nanda has indeed assisted and cooperated with Police on many occasions. It is important also to hear Nanda’s account of what happened with the specific allegation of the 12th of July.

Background

8. Nanda has owned and been the Premises Licence Holder at Danny Mart at Ludlow Road for over a decade. He also owns and is the Premises Licence Holder at Danny Mart at Wingfield Street, Portsmouth, again for over a decade. He has previously held two other premises licences in Portsmouth for shops which have since been disposed of. He is a personal licence holder and the DPS of both stores which are currently trading. He divides his time between the two premises and has excellent staff to assist in their management. In operating those 4 licensed premises there have been no issues of concern raised by any responsible authority in relation to the sale of alcohol or promotion of licensing objectives other than the 2 incidents referred to in the review.

Incident 2016

9. Nanda accepts that he should have been more responsive in the first instance. It was not due to an unwillingness to assist the police but giving priority to work and family pressures. He did provide all the information required and CCTV footage and did take on board the advice given.
10. Notably that incident did not involve the sale of alcohol and only indirectly involved the premises. It involved the use of a stolen credit card in the shop. There is nothing the store could have done to prevent its use in that way. It is disappointing that in the public realm social media posts imply that the shop is responsible for the fraud.
11. Subsequently and prior to this review Nanda has been asked to provide CCTV in relation to a number of matters and has always co-operated and provided the relevant CCTV footage. The following is a list of dates when CCTV has been provided in the last 2 years (there have been more pre-2020):

25th September 2020

13th October 2020

17th November 2020

16th August 2021

30th August 2021

2nd October 2021

5th January 2022

26th February 2022

14th September 2022

Notably none relate to the sale of alcohol at the premises and there have been no other requests for CCTV where it has not been provided.

12. Following the issue of these review proceedings Nanda has also been requested to provide CCTV on two other occasions which he has provided.
13. Another example of his commitment to working with the police, although unconnected to the shop, is when Nanda assisted the police in relation to a drugs investigation and Police officers were using home to carry out surveillance.
14. Given the background of how long he has been a licence holder in Portsmouth and the above assistance given to police, this is credible evidence to demonstrate that Nanda is a responsible licence holder and can work in partnership with the police.
15. From all those investigations above Nanda has not been advised by the Police of any successful prosecutions or action taken by the police. Notably he had a serious burglary at the shop where a considerable amount of tobacco was stolen. He has been extremely frustrated by the apparent lack of action taken by the police when investigating incidents from his store. That frustration is not unreasonable and I know is shared by many retailers and not just in the City of Portsmouth. His comments to the police officers regarding the lack of assistance from the police was born out of this frustration. It was not an abrogation of his responsibilities, there was never any intention not to assist, but a comment in the heat of the moment. He will always assist the police in their investigation.

Incident 12th July

16. It is accepted by Nanda that the CCTV at that time was only recording for 14 days and not the 31 days required by the Licence condition. He had upgraded his CCTV system in 2021 and the installer of the

system set the recording to 14 days which achieved the best quality images. The system was capable of recording for 31 days. Nanda accepts it was his responsibility to have checked the system.

17. Regarding the incident itself Nanda did not become aware of the full nature of that allegation until his conversation with Pete Rackham on the 11th of August.
18. PCSO Hambrook visited the premises on the 16th of July, 4 days after the serious allegation had been made, but did not make any effort to contact Nanda on that day. She visited again on the 22nd of July on two occasions and again on neither occasion did she try and contact Nanda. The officer states that she tried to call his mobile number but Nanda states that no voicemail message was ever left and that he very rarely, if ever, accepts a call from an unrecognised number.
19. The member of staff working on those occasions was the alleged defendant and she did not inform Nanda that the police had visited the premises. The first conversation the Police had with Nanda was on the 28th of July. Nanda was informed that an incident had occurred at the shop on the 12th of July involving a member of his staff and that the officer wanted to view the CCTV. At this stage Nanda was not advised that it was an alleged assault on a young girl nor that photographs had been taken.
20. Nanda had been informed by a female member of staff a couple of weeks prior to this telephone conversation that she had caught a young girl stealing from the premises and had blocked her exit from the premises and asked the child to put the sweets back. When the officer mentioned an incident Nanda thought this must have been the incident she was referring to. There was no urgency conveyed in the officer's request at all.
21. On checking the CCTV, he realised that it was not recording for 31 days and that accordingly he could not provide the footage. The officer then spoke to him a day or two after he had checked the footage, which was the 8th of August. He panicked as he knew he was in breach of his licence condition. He states he was not angry and was not shouting but would agree he was agitated.
22. On speaking to PC Rackham on the 11th of August he advised PC Rackham that there was no CCTV. He accepts he did mention again the fact that the police do not ever get results after he has helped them, and no action ever seems to be taken. However, after PC Rackham reminded him of his obligations Nanda states he apologised. On this call PC Rackham advised him of the full nature of the allegation. Nanda confirmed he had the details of the member of staff and would contact PCSO Hambrook immediately the call ended. Nanda still believed this incident was the same one he had been told about by the member of staff where they had caught a young stealing. He called the officer concerned on the

telephone number she had provided him with. A male colleague answered the telephone, and he provided them with full details of the alleged defendant.

23. The member of Nanda's staff has not been spoken to by the police. However, she is no longer employed at the premises. It is very important to note that there are rumours the member of staff was Nanda's daughter. It is unequivocally not his daughter. There is unequivocally no risk to children from this store retaining the premises licence.
24. I have interviewed that member of staff. It is not necessary in these proceedings for me to give an account of what she told me. I did however, provide the police with a summary of what had been said and again provided them with her full personal details. I am still waiting to hear whether they have now interviewed her. Even without the CCTV the investigation into the alleged offence could have easily been pursued by interviewing her. There has been considerable unfair criticism and abuse on social media over the incident.

Letters of Support

25. Notably there are numerous letters of support for Nanda to keep his licence. Most include comment on how important this shop is to the Local Community. Indeed, the parents and the young girl continue to shop there. It is not necessary to repeat the comments here but would ask the Committee to attach great weight to them as it is most unusual to get letters of support in any licensing application.
26. As a convenience store it is important to be able to sell core convenience products such as milk, bread, food, tobacco, confectionery and alcohol. If alcohol were removed from this store, it is highly likely customers would shop elsewhere so they could get the "one stop shop." There would therefore be significant financial loss and when this very small corner shop operates on very tight profit margins revocation of the licence is virtually certain to lead to the loss of the business. That will not only have an impact on the local community as set out in their letters of support but would also lead to the loss of employment.

Steps taken following the review

27. Given the issue with the CCTV Nanda upgraded the CCTV system to ensure the highest quality images were available for 31 days which was completed on the 7th of October. Since then to guard against the

malfunction of the CCTV and facing the threat of a review again he has installed a secondary system which was completed on the 4th of November. Both systems work independently of each other. Both systems are linked to his mobile telephone giving him instant access to live feed and also the ability to download recordings. This should make access to CCTV footage for the police much more straight forward.

28. Nanda has had business cards printed with his contact details including mobile number and email address for staff to hand to any officer of a responsible authority who visits the shop when he is not there. He has also retrained staff to ensure that whenever an officer of a responsible authority attends the shop this is logged and they inform him immediately.

Conclusion

29. None of what has been set out in the police review has any connection with the licensable activity of the sale of alcohol. It is a highly unusual review for that purpose. The police say there is a link to the licensing objective of crime and disorder. Given the 12th of July incident is an alleged crime, I can understand why they say that but should that really be a matter at the forefront of a Licensing Committee's mind? Is it not the function of a Licensing committee to consider the licence in the context of the licensable activities it permits and how those are managed by the licence holder?
30. There is a very broad list of measures you could take, and the police are asking for the licence to be revoked. I certainly agree with them that there are no suitable conditions that could be imposed to address the cause of the review: which I have identified as the lack of trust in Nanda to work with the police.
31. I respectfully submit that given all the matters set out above the most appropriate and proportionate outcome is to issue Nanda with a warning. Revocation is wholly inappropriate and disproportionate. The Police accept that the fact CCTV was not recording for 31 days is not a ground to revoke the licence. I would respectfully suggest that the frustration exhibited by Nanda in his conversations with the police was not entirely unreasonable given the lack of police action in numerous other matters, but that expression of frustration has absolutely not reached a level where he would not assist them and work in partnership. He reassures this Committee he will continue to work closely with them as he has done numerous times over two decades.

Jon Wallsgrove

John Gaunt & Partners

Solicitor for Nandakumar Vayanaperumal

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